THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

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WRIT PETITION NO : 3966 of 1996

06-09-2005

Between:

The Nellore District Agnikula Kshtriya Sangham, rep by its President Sri T.Brahmaiah, S/o Ramaiah, Retd.Tahsidar, R/o H.No.19/480, Kotamitta, Nellore.

..... PETITIONER

AND

1 The Commissioner of Endowments, Hyd. And others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

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WRIT PETITION NO : 3966 of 1996

O R D E R:

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This writ petition is filed questioning the alleged inaction of the respondents in enquiring into the representation said to have been given by the petitioner pointing out some of the irregularities said to have been committed by the then trustees of the 3rd respondent-Devasthanam.

On behalf of the respondents, 2nd respondent filed his counter

affidavit contending that there are no irregularities in the maintenance of the records of the 3rd respondent-Devastanam.

The main contention of the leaned counsel for the petitioner is that the specific allegation of the petitioner in paragraph 6 of the affidavit that Ac.1.01 cent of land belonging to the 3rd respondent temple was given on lease in the year 1934 to 40 persons for 99 years at the rate of Rs.15/- per month, and since then the lease amount is not enhanced is not specifically answered in the counter affidavit filed on behalf of respondents.

The fact that the allegations in para 6 of the affidavit filed in support of the application regarding lease that was granted in the year 1934 is not specifically answered by the respondent is of no consequence because this writ petition is filed in the year 1996 i.e. more than 60 years after the lease. It is not as though petitioner is the only person interested in the proper administration of the 3rd respondent-devastanam and that no other villagers in the village are interested in good running of the said devastanam, moreso because, the specific case of the petitioner is that the said temple was constructed by a particular community and that all the community members are interested in the said Devastanam. It should be born in mind that present rentals are not, and cannot be, a guide for finding out if the rentals fixed in 1934 are adequate and are as per the rentals prevailing at that time or not.

Since presumption is that all official acts are regularly performed and since the transaction of lease took place in 1934, and since the petitioner is questioning the said transaction in 1996, it is for the petitioner to establish that the lease was not entered into without following the law that was prevailing at that time. But petitioner did not produce any material to show that the procedure prescribed for granting of a lease for 99 years was not followed as per the law in force at that point of time. If the petitioner has any grievance about the lease for 99 years that was entered into in 1934, he can either approach a civil Court or make a request to the Board of Trustees of

the Devastanam with relevant documents and seek an appropriate relief, but he cannot be granted any relief in this petition.

Hence the writ petition is dismissed. No costs.

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06-09-2005

Mjl/*